



# The Trial on Trial: Volume 1: Truth and Due Process

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The trial is central to the institutional framework of criminal justice. It provides the procedural link between crime and punishment, and is the forum in which both guilt and innocence and sentence are determined. Its continuing significance is evidenced by the heated responses drawn by recent British government proposals to reform rules of criminal procedure and evidence so as to alter the status of the trial within the criminal justice process and to limit the role of the jury. Yet for all of the attachment to trial by jury and to principles safeguarding the right to a fair trial there has been remarkably little theoretical reflection on the meaning of fairness in the trial and criminal procedure, the relationship between rules of evidence, procedure and substantive law, or the functions and normative foundations of the trial process. There is a need, in other words, to develop a normative understanding of the criminal trial. This book is based on the proceedings of two workshops which took place in 2003, addressing the theme of Truth and Due Process in the Criminal Trial. The essays in the book are concerned with the question of whether, and in what sense, we can take the discovery of truth to be the central aim of the procedural and evidential rules and practices of criminal investigation and trial. They are divided into four parts addressing distinct but inter-related issues: models of the trial; the meaning of due process; the meaning of truth and the nature of evidence; and legitimacy and rhetoric in the trial.

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